

### **Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

### **Listing of Claims:**

1. (currently amended) A preliposome-lyophilate comprising an amphipathic lipid and a non-lipid surfactant, wherein the lyophilate (a) was made by a method comprising lyophilizing a composition comprising said amphipathic lipid, t-butanol, water, and said surfactant, but lacking liposomes; and (b) ~~has the ability to form liposomes having a median diameter of less than 1  $\mu$ m~~ upon reconstitution with aqueous solution, results in a distribution of liposomes having a median diameter of less than 1  $\mu$ M.
2. (cancelled)
3. (cancelled)
4. (previously presented) The preliposome-lyophilate of claim 1 wherein said surfactant is nonionic.
5. (previously presented) The preliposome-lyophilate of claim 4 wherein said surfactant is a polyoxyethylene sorbitan carboxylate surfactant.
6. (previously presented) The preliposome-lyophilate of claim 5 wherein said surfactant is polyoxyethylene sorbitan monolaurate.
7. (previously presented) The preliposome-lyophilate of claim 6 wherein said surfactant comprises from about 4 mole % to about 2 mole % of the lipid content of the preliposome-lyophilate.

8. (previously presented) The preliposome-lyophilate of claim 1 wherein said surfactant comprises from about 5 mole % to about 0.1 mole % of the lipid content of the preliposome-lyophilate.

9. (previously presented) The preliposome-lyophilate of claim 8 wherein said surfactant comprises from about 4 mole % to about 2 mole % of the lipid content of the preliposome-lyophilate.

Claims 10-51 (cancelled)

52. (previously presented) The preliposome-lyophilate of claim 1, said preliposome lyophilate being halogenated solvent-free.

53. (currently amended) A preliposome-lyophilate comprising an amipathic lipid and a non-lipid surfactant, wherein said lyophilate (a) was made by a method comprising lyophilizing a composition comprising said amphipathic lipid, t-butanol, water, and said surfactant, but lacking liposomes, and (b) has the ability to form liposomes having a median diameter of less than 400 nm when reconstituted in aqueous solution.

54. (previously presented) The preliposome-lyophilate of claim 53 wherein said surfactant is nonionic.

55. (previously presented) The preliposome-lyophilate of claim 54 wherein said nonionic surfactant is selected from the group consisting of polyoxyethylene sorbitan monolaurate having a molecular weight of approximately 1300 and polyoxyethylene sorbitan monooleate having a molecular weight of approximately 1350.

56. (cancelled)

57. (currently amended) A preliposome-lyophilate, wherein said lyophilate,

upon reconstitution with aqueous solution, results in a distribution of liposomes having a median diameter of less than 400 nm ~~having the ability to form liposomes having a median diameter of less than 400 nm upon reconstitution with aqueous solution~~; said lyophilate being produced by a process comprising:

- (a) preparing a composition comprising at least one amphipathic lipid dissolved in an aqueous/t-butanol solvent system and a non-lipid surfactant; and
- (b) lyophilizing said composition to form said preliposome-lyophilate, wherein said composition does not comprise liposomes at the time of said lyophilizing.

58. (cancelled)

59. (currently amended) The preliposome-lyophilate of claim 57 wherein said surfactant is nonionic.

60. (currently amended) The preliposome-lyophilate of claim 59 wherein said surfactant is a polyoxyethylene sorbitan carboxylate surfactant.

61. (currently amended) The preliposome-lyophilate of claim 60 wherein said surfactant is polyoxyethylene sorbitan monolaurate.

62. (currently amended) The preliposome-lyophilate of claim 60 wherein said surfactant is polyoxyethylene sorbitan monooleate.

63. (currently amended) The preliposome-lyophilate of claim 61 or claim 62 wherein said surfactant comprises from about 4 mole % to about 2 mole % of the lipid content of the lyophilate.

64. (currently amended) The preliposome-lyophilate of claim 57 wherein said surfactant comprises from about 5 mole % to about 0.1 mole % of the lipid content of the lyophilate.

65. (currently amended) The preliposome-lyophilate of claim 64 wherein said surfactant comprises from about 4 mole % to about 2 mole % of the lipid content of the lyophilate.
66. (currently amended) A lyophilate comprising at least one amphipathic lipid and a non-lipid surfactant, said surfactant being present in an amount less than 4 mole % of the lipid content of said lyophilate, wherein said lyophilate was made by a method comprising lyophilizing a composition comprising said at least one amphipathic lipid, t-butanol, water, and said surfactant, but lacking liposomes, and wherein said lyophilate is capable of forming a distribution of liposomes in about one minute with hand-shaking upon addition of aqueous solution, said distribution of liposomes having a median diameter of less than 400 nm.
67. (previously presented) The lyophilate of claim 66 further comprising a bioactive agent.
68. (previously presented) The lyophilate of claim 66 wherein said surfactant is nonionic.
69. (previously presented) The lyophilate of claim 68 wherein said surfactant is a polyoxyethylene sorbitan carboxylate surfactant.
70. (previously presented) The lyophilate of claim 69 wherein said surfactant is polyoxyethylene sorbitan monolaurate.
71. (previously presented) The lyophilate of claim 69 wherein said surfactant is polyoxyethylene sorbitan monooleate.
72. (previously presented) The lyophilate of claim 67 wherein the bioactive agent is selected from the group consisting of an antifungal agent, an antineoplastic agent, an antibiotic, an adjuvant, a vaccine, a contrast agent, a diagnostic agent, a drug targeting agent and a genetic fragment.
73. (previously presented) The lyophilate of claim 72 wherein the bioactive agent is an antifungal agent.

74. (previously presented) The lyophilate of claim 72 wherein the bioactive agent is an antineoplastic agent.

75. (previously presented) The lyophilate of claim 72 wherein the bioactive agent is an antibiotic.

76. (previously presented) The lyophilate of claim 72 wherein the bioactive agent is an adjuvant.

77. (previously presented) The lyophilate of claim 72 wherein the bioactive agent is a vaccine.

78. (previously presented) The lyophilate of claim 72 wherein the bioactive agent is a contrast agent.

79. (previously presented) The lyophilate of claim 72 wherein the bioactive agent is a diagnostic agent.

80. (previously presented) The lyophilate of claim 72 wherein the bioactive agent is a drug targeting agent.

81. (previously presented) The lyophilate of claim 72 wherein the bioactive agent is a genetic fragment.

82. (previously presented) The preliposome-lyophilate of claim 5 wherein said surfactant is polyoxyethylene sorbitan monooleate.

83. (previously presented) The preliposome-lyophilate of claim 1 wherein said surfactant is present in an amount less than 4 mole % of the lipid content of said lyophilate.

84. (previously presented) The preliposome-lyophilate of claim 1 wherein said reconstitution is achieved by hand-shaking for about one minute upon addition of said aqueous solution.

85. (new) The preliposome-lyophilate of claim 1, 4, 53, 54, 55, 57, or 59 wherein the amphipathic lipid is a phospholipid.

86. (new) The lyophilate of claim 66, 67, 68, 72, 74, or 84 wherein the amphipathic lipid is a phospholipid.